



Security Council

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Letter dated 25 January 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Uganda to the United Nations addressed to the President of the Security Council

On instructions of my Government and in reference to Security Council document S/2001/49 of 16 January 2001, I have the honour to forward to you comments by the Government of Uganda on the interim report of the United Nations Expert Panel on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo (see annex).

I should be grateful if you would bring these comments to the attention of the members of the Security Council and circulate the same as a document of the Security Council.

(Signed) Fred **Beyendeza**
Chargé d'affaires a.i.



**Annex to the letter dated 25 January 2001 from the Chargé
d'affaires a.i. of the Permanent Mission of Uganda to the United
Nations addressed to the President of the Security Council**

**Comments by Uganda on the interim report of the United Nations
Expert Panel on the Illegal Exploitation of Natural Resources and
Other Forms of Wealth of the Democratic Republic of the Congo
dated 16 January 2001**

1. Uganda wishes to thank the United Nations Expert Panel and to welcome the release by the Secretary-General of the interim report on the Illegal Exploitation of the Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo on 16 January 2001 (S/2001/49). It clearly shows the desire of the Secretary-General to fulfil the request by the President of the Security Council contained in his letter dated 2 June 2000 (S/PRST/2000/20). It also demonstrates the commitment of the Secretary-General to the pursuit of peace and stability in the Democratic Republic of the Congo.

**The Panel's interpretation of its mandate
(Section II.A, paras. 5 and 6)**

2. The Security Council mandate for the United Nations Panel was to: (a) follow up reports, collect information on all activities of illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of the Congo and (b) research and analyse the links between the exploitation of the natural resources and other forms of wealth in the Democratic Republic of the Congo and the continuation of the conflict. The United Nations Panel interpreted the above mandate to mean that the parties to the conflict in the Democratic Republic of the Congo are there to exploit, control and profit from the natural resources of the Democratic Republic of the Congo, and that part of the proceeds from these resources are utilized to finance and sustain the conflict in the Democratic Republic of the Congo.

3. The view of Uganda is that this interpretation has no bearing whatsoever with the said mandate. The interpretation is totally outside the ordinary meaning of the words in the mandate. The mandate simply states that the Panel should follow up reports, collect information on all activities of illegal exploitation of natural resources of the Democratic Republic of the Congo and analyse the data to ascertain whether there is a link between the exploitation of the said resources and the continuation of the conflict.

4. It is apparent from the interpretation of its mandate that the United Nations Expert Panel put the cart before the horse. Before commencement of execution of its mandate the Panel assumed that the conflict was motivated by the desire to exploit the resources of the Democratic Republic of the Congo. Nothing could be far from the truth. Uganda has persistently stated that it is in the Democratic Republic of the Congo because of its own security concerns. Uganda's security concerns have been recognized and endorsed by the Democratic Republic of the Congo. Mr. She Okitundu, the Congolese Minister for Foreign Affairs, stated in the Security Council in December 2000 that his Government recognizes that Uganda's presence in the

Democratic Republic of the Congo was motivated by its security concerns (see S/PV.4247).

**Report on Uganda
(Section C, paras 30 to 37)**

5. The interim report fairly summarizes the discussions the Panel had with President Museveni, members of Cabinet, Government officials and members of the Parliamentary Committee on Presidential and Foreign Affairs at their meeting in Kampala, from 7 to 12 November 2000.

6. The report on Uganda, however, leaves out a vital component of the mandate of the Panel, namely, data collection and analysis. At the first meeting of the United Nations Expert Panel in Kampala on 7 November 2000, the Government of Uganda was given a detailed questionnaire by the Chairperson, Mme Ba- N'Daw. The detailed response of the Government to the questionnaire was sent to the United Nations Resident Coordinator on 21 November 2000. The analysis of the 1994/1995-2000 statistical and economic data and interviews with Ugandan officials clearly indicate that there has not been any significant increases in Uganda's imports/exports in the mineral and agricultural products of interest to the Democratic Republic of the Congo since 1998. It is significant to note that Uganda's national accounts are among the most reliable in Africa. Besides the long tradition of national data collection, Uganda's data is highly respected by international financial institutions, including the International Monetary Fund (IMF) and the World Bank. Data kept by, inter alia, the Uganda Revenue Authority, the Bank of Uganda, the Ministry of Finance and the Uganda Bureau of Standards have been computerized since 1996.

7. The interim report fails to mention the high degree of cooperation and openness the Panel received from the Ugandan authorities. The generalization of the report that the Panel received varying levels of cooperation from its interlocutors ranging from "apparent openness to near hostility" is, therefore, grossly unfair.

8. It does not reflect the key message from President Museveni and First Deputy Prime Minister/Minister for Foreign Affairs, Mr. E. Kategaya concerning the allegation of illegal exploitation of natural resources in the Democratic Republic of the Congo, which expressed their sense that the exercise is a red-herring and a diversion from the real problem in the Democratic Republic of the Congo. The real task is to bring about stability and create a democratic state in the Democratic Republic of the Congo, as envisaged in the Lusaka Ceasefire Agreement of July 1999.

**Allegations by the Government of the Democratic Republic of the Congo
(Paras. 19 to 23)**

9. The report lists allegations by the Government of the Democratic Republic of the Congo against Uganda, claiming that Uganda has been involved in the exploitation of minerals (gold, diamonds), agricultural products (coffee, livestock) and protected species (elephants, gorillas, okapis). The analysis of the economic/statistical data on Uganda clearly indicates that there have been no significant increase in our exports/imports of these products. The information given to the United Nations Panel also demonstrates Uganda's strict adherence to the international conventions on the control of trade in endangered species.

10. The United Nations Panel quotes officials of the Democratic Republic of the Congo making an erroneous connection between the regrettable incidents between Ugandan and Rwandese troops in Kisangani and the control of mineral resources in eastern Congo. The unfortunate clashes were not about the struggle for minerals as economic data demonstrates. It is, therefore, a diversion to link the Kisangani incidents and the alleged exploitation of natural resources in the Democratic Republic of the Congo.

11. The report highlights the mistaken belief in Kinshasa that Uganda could not finance its involvement in the Democratic Republic of the Congo without the active exploitation of the natural resources of the Democratic Republic of the Congo. This is a figment of the imagination of the Government of the Democratic Republic of the Congo, which does not provide any evidence to the Panel. In paragraphs 12 and 23 of the report the Panel complains that the Government of the Democratic Republic of the Congo has not been able to give them evidence of the allegations.

12. It should be recalled that the Government of the Democratic Republic of the Congo filed a case against Uganda with the International Court of Justice on 23 June 1999. The application was followed by a detailed memorial alleging, *inter alia*, illegal exploitation of the natural resources of the Democratic Republic of the Congo. The Democratic Republic of the Congo did not file any evidence about these allegations with the court. Uganda has consistently stated that it is in the Democratic Republic of the Congo because of its security concerns. Uganda has prepared a detailed counter memorial detailing numerous incidents of attacks from the territory of the Democratic Republic of the Congo causing hundreds of thousands deaths and injuries; destruction of property and the negative impact on the economy. All of the above justify Uganda's expenditure to maintain its presence in the Democratic Republic of the Congo to pre-empt these attacks/raids on Uganda from its territory. The summary report on the United Nations Panel's visit to Uganda in annex II of the interim report clearly shows Uganda's expenditures for the maintenance of troops in the Democratic Republic of the Congo to neutralize further attacks. Uganda has been able to keep her defence expenditure under 2 per cent of GDP as per its commitment with the donor community.

The next steps

13. In our view Uganda has already provided adequate detailed information to the United Nations Panel. Uganda will, however, continue to cooperate fully with the United Nations Panel, and strongly urges other relevant parties to do likewise. In our view, for the United Nations Panel to produce a fair and balanced final report it should, *inter alia*:

(a) Establish a factual picture of the natural resource base of the Democratic Republic of the Congo and documentary evidence to back the allegations of the exploitation of natural resources rather than accusations built purely on rumour and anecdotal literature;

(b) Obtain and analyse detailed statistical and economic data on, for example, the oil and minerals etc. imports/exports of all the countries involved in the conflict in the Democratic Republic of the Congo, without exception;

(c) Put more emphasis on generating relevant data and information in capitals of the industrialized countries, such as France and Belgium, with traditional

links with the Democratic Republic of the Congo, including individuals and companies with capacity to invest in mining operations and maintaining non-gazetted airfields from which mineral products and other natural resources are airlifted to markets outside Africa.

14. During the visit to Uganda by the United Nations Expert Group, from 7 to 12 November 2000, time was wasted because of inadequate advance preparedness by the Panel. The detailed questionnaires were, for example, provided after the team's arrival in Kampala and yet the various government institutions needed at least three to seven days to prepare/generate the required information. It is, therefore, important that in their future work the Panel should provide, two to three weeks in advance, specific allegations and evidence etc. against each country's government, private companies and individuals. This method of work will not only be more efficient, but will also ensure fair play and avoid the element of surprise.

15. Finally, it is important to reiterate that Uganda got involved in the Democratic Republic of the Congo in order to protect her legitimate national security interests against the Sudanese-backed rebels and their allied genocidaires in the Democratic Republic of the Congo. Uganda is also fully committed to the withdrawal of the Uganda People's Defence Force (UPDF) from the Democratic Republic of the Congo in accordance with the Lusaka Ceasefire Agreement (July 1999), the Kampala disengagement plan (April 2000) and Security Council resolution 1304 (2000). It is in Uganda's best interest that we have a stable, democratic, united, friendly and prosperous Democratic Republic of the Congo in the Great Lakes Region.